

BILL NO. ~~R~~^G-72-04-20

GENERAL ORDINANCE NO. G- Withdrawn

AN ORDINANCE repealing Chapter 19, Section 14.1 of the Municipal Code of the City of Fort Wayne.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The following are hereby declared public nuisances:

Any house, room, restaurant, tavern, store, club, theater or other premises, indoor or outdoor, including, by way of illustration and not of limitation, any mobile home, any motor vehicle, any field, regardless of whether or not the primary purpose of such establishment authorized and or licensed by any federal, state or local authority, which

a) Is open to members of the public at large, regardless of whether admission is charged and regardless of whether admission is restricted to adults or to members of one sex or another;

b) Is open to members of one or more affiliated groups, incorporated or unincorporated, including again by way of illustration and not of limitation, any fraternal, social or civic organization, any professional association, any trade association, any labor union, or any veterans organization;

and in which any of the following occurs,

c) Conduct which violates the statutes of the State of Indiana pertaining to the sale and consumption of alcoholic beverages;

d) Acts of prostitution;

e) Acts of bestiality;

f) Acts of sodomy;

g) Gambling;

h) The sale of and/or indulgence in narcotic drugs, the term "narcotic drugs" being defined as it is defined in the statutes of the State of Indiana;

APPROVED AS TO FORM
AND LEGALITY,


CITY ATTORNEY

i) The display, sale, lending, renting, and/or giving away of any obscene, lewd, indecent and/or lascivious book, pamphlet, paper, drawing, lithograph, engraving, picture, model, cast, instrument, and/or article of indecent and/or immoral use, the aforesaid terms in this Section (i) being defined as they are defined in the Statutes of the State of Indiana and in the decisions of the Supreme Court of Indiana and the Court of Appeals of Indiana construing those statutes.

j) Acts of public indecency as the term "public indecency" is defined in the statutes of the State of Indiana and in the decisions of the Supreme Court of Indiana and the Court of Appeals of Indiana construing those statutes.

SECTION 2. Anyone who owns, leases, manages and/or controls premises which are found to be a public ^{nuisance} ~~unisance~~ under the provisions of Section 1 hereinabove shall be guilty of a misdemeanor and shall be subject to imprisonment in the Allen County Jail for a term not to exceed six months, and to payment of a fine not to exceed \$500.00 and to payment of costs. Anyone frequenting or patronizing such premises shall be guilty of a misdemeanor and shall be subject to imprisonment in the Allen County Jail for a term not to exceed three months, to payment of a fine not to exceed \$250.00 and to payment of costs.

SECTION 3. If any section, clause, sentence, paragraph, part or provision of this Ordinance shall be held invalid by any court, it shall be conclusively presumed that this Ordinance would have been passed by the common council without such invalid section, clause, sentence, paragraph, part or provision.

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SECTION 4. Chapter 19, Section 14.1 of the Municipal Code of the City of Fort Wayne, Indiana is hereby repealed.

SECTION 5. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Samuel J. Talarico
Councilman

Read the first time in full and on motion by Talarico seconded by Hinga and duly adopted, read the second time by title and referred to the Committee on Public Relations (and to the City Plan Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on the _____ day of _____, 19____, at _____ o'clock P.M., E.S.T.

Date: April 25, 1972.

Shirley M. Stetson
CITY CLERK

Read the third time in full and on motion by _____ seconded by _____ and duly adopted, placed on its passage. Passed (LOST) by the following vote:

AYES _____,	NAYS _____,	ABSTAINED _____,	ABSENT _____ to-wit:
Burns _____	_____	_____	_____
Hinga _____	_____	_____	_____
Kraus _____	_____	_____	_____
Nuckols _____	_____	_____	_____
Moses _____	_____	_____	_____
Schmidt, D. _____	_____	_____	_____
Schmidt, V. _____	_____	_____	_____
Stier _____	_____	_____	_____
Talarico _____	_____	_____	_____

Date _____

CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. _____ on the _____ day of _____, 19____.

ATTEST:

(SEAL)

CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____-at the hour of _____ o'clock _____ M., E.S.T.

CITY CLERK

Approved and signed by me this _____ day of _____, 197____ at the hour of _____ o'clock _____ m., E.S.T.

MAYOR

Bill No. G-72-04-20

REPORT OF THE COMMITTEE ON Public Relations

We, your Committee on Public Relations to whom was referred an Ordinance
repealing Chapter 19, Section 14.1 of the City of Fort
Wayne

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance *Be Withdrawn* ~~PASS.~~

Samuel J. Talarico - Chairman

Winfield C. Moses, Jr. - Vice-Chairman

James S. Stier

Eugene Kraus, Jr.

Vivian G. Schmidt

CONCURRED IN
DATE 6-27-72 CHARLES W. WESTERMAN, CITY CLERK

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Donald J. Schmidt

William T. Hinga

Paul "Mike" Burns

John Nuckols